

**Statement by Oscar J. Serrano, President of the Puerto Rico Journalists Association
(Asppro), before the Committee on the Judiciary, March 28th 2006**

Honorable John Conyers and members of the Committee on the Judiciary of the House of Representatives of the United States of America, I have the honor of appearing before you on behalf of all Puerto Rican journalists, photographers, media workers and press related entities in the island.

As you know, we journalists would much rather be after you than appear before you. But we've taken a solemn oath to bear witness and put out warning calls and that oath applies with intimate force when what we've witnessed is a gratuitous attack on a freedom we all hold dear, the freedom to gather and disseminate the news.

On the morning of February 10th, while scores of Federal Bureau of Investigations (FBI) agents executed search warrants in raids around the island, a group of journalists got word that a related warrant was being executed at the De Diego 444 Condominium in Río Piedras, a San Juan address within driving distance for most of the media. No one had any advance information about these raids and they became breaking news, so editors and reporters took the proper step of getting to the scene of the event, where the information is freshest and unfiltered.

A group of some 25 reporters and cameramen from pretty much every major media outlet, including news agencies, got to the condominium and positioned themselves in the closest spot they could be to get the news, the sidewalk just outside the condominium's gate. No agents were deployed on either side of the electrically operated gate. The closest the agents were stationed was just by the lobby doors, which left unmanned a whole

section of the parking area and entrance between the gate and the lobby.

As the reporters waited, protesters and people related to the apartment being searched reached the area too. At all times, an FBI agent said they had no information and that reporters should go ask at the bureau's headquarters. Meanwhile reporters did what any newsperson in Michigan, Wisconsin, Illinois or Texas would do, they remained on site, tried to get footage of government agents carrying on their taxpayer's funded work and started getting facts from sources available at the area like the people related to the apartment. In no way were they impeding the executing of the agent's official duties.

At one point, the gate was opened and the reporter's were gestured in by people related to the owner of the apartment. So they did what any newsperson in Utah, New York or Florida would do, they occupied an area that promised a better chance to comply fully with their duty of gathering the news. In doing so, they never walked past by an agent or broke a security ribbon.

Then, suddenly and without any kind of civilized warning or dialogue, agents on site did what no agent should do, not in Michigan, not in Wisconsin or, for that matter, nowhere in the United States. They started to pepper spray reporters, hit them, stomp on them while they were curled on the floor suffering the effects of the gas and strike them with their batons.

The only judicious 'increased use of force' on display was when an agent shook his spray can for a few seconds before unloading it directly on the face of fellow newspeople like Normando Valentín and Annette Álvarez.

What were they thinking? In what Justice Department training manual is a notebook, a video camera or a voice recorder described as a lethal weapon? What kind of a riot were

they seeing in their minds where everyone else saw a group of reporters making questions?

My colleagues were just standing there with their hands full of their job's tools. What kind of a menace did they pose to a squad of agents wearing riot gear, complete with batons and assault rifles?

How would you feel if this kind of uncalled for attack was unleashed on reporters from your home state?

This is not the kind of on the job risk or random act of violence that reporters expect to endure, unless you're assigned to cover countries that this administration has labeled as terrorist states.

This is a willful, unprecedented, criminal and vicious attack on people that were executing professionally the freedom of the press, a right that is guaranteed in the First Amendment of your Constitution and on the Bill of Rights of our Constitution.

Where will this stop if no one is held accountable for this procedure rife with disregard for human, civil and constitutional rights? If they attacked people executing the right that makes possible the exercising of all other rights, whom will they attack next?

The FBI office in San Juan has justified the agent's conduct saying that reporters were caught on video throwing objects and committing acts that could be prosecuted under the US Code. They are lying and they're covering up their agent's criminal acts.

The agents at the scene, including deputy Special Agent in Charge José Figueroa Sancha, should be administratively disciplined and criminally prosecuted. Special Agent in Charge Luis Fraticelli, as well as United States Attorney H.S. "Bert" Garcia, should also be sanctioned for their cover up maneuvers and for refusing to comply with their duties.

It's outrageous that Garcia, before evaluating no proof whatsoever, said he simply won't prosecute people who work with him on a daily basis. Even more so, he's tried to stonewall the Puerto Rico Department of Justice as it undergoes its own criminal investigation.

In the context of Internal Revenue Agents supposedly harassing taxpayers with their audits, Senator Trent Lott once said:

“To the agents... who have been out of control, and to the management who is protecting those agents, I want to say watch out. We are on to you and we will not let you do this sort of thing to the American people.”

Senator Lott's 'line in the sand' applies with even more force and urgency in this case and we ask all members of this committee, both majority and minority, to take action because today's FBI impunity in Puerto Rico can be tomorrow's standard operating procedure on your home states.

Thank you.